IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17880 of 2007

DATED 28-8-2007

BETWEEN

Smt.S.Rama Tulasamma

.. Petitioner

And

The Tahsildar, Nandivada Mandal,
Krishna District.

.. Respondent

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17880 of 2007

Oral Order:

The petitioner is a resident of H.B.Colony, Bhavanipuram Vijayawada. She purchased land admeasuring Ac.2.20 cents under registered sale deed dated 18.3.1985 from one Vemavarapu Ramabramham who was statedly assigned the said land because he was a political sufferer. The petitioner, therefore, contends that when the land is assigned to political sufferer in accordance with G.O.Ms.No.1743, Revenue Department dated 28.8.1959, the condition of non-alienation has no application.

Be that as it is, the respondent initiated action under the provisions of Andhra Pradesh Assigned Lands Prohibition of Transfers Act, 1977 and issued a notice under Rule 3 of Andhra Pradesh Assigned Lands Prohibition of Transfer Rules, 2007. The petitioner submitted her explanation. It is alleged that the petitioner's

explanation was not considered and the respondent passed a cyclostyled order without applying mind. It is also alleged that even though the petitioner has 90 days time to prefer an appeal under Section 4-A of the Act, the respondent has sent the Mandal Revenue Inspector to take possession of the land and, therefore, she filed the instant writ petition.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment).

Though various questions are raised regarding the jurisdiction of the respondent to initiate action against the petitioner in respect of the land, which was assigned/allotted to a political sufferer without a condition of non-alienability, this Court is not inclined to go into those questions at this stage. The learned counsel for the petitioner however apprehends that even before the expiry of the period provided for filing an appeal, if the respondent resumes the land, the petitioner would suffer irreparable loss.

Section 4-A of the Act provides for an appeal to the Revenue Divisional Officer within 90 days from the date of receipt of a copy of the order passed by the Tahsildar under Section 4 of the Act ordering resumption. In this case, the impugned order of resumption was passed on 25.7.2007 and, therefore, the petitioner has time till 24.10.2007 to prefer an appeal. Till the expiry of appeal time, if the petitioner is evicted from the land in her possession, it would certainly be in violation of principles of natural justice and also amounts to denying her the right of appeal provided by the statute.

Therefore, this Court is of considered opinion that till 24.10.2007, the petitioner shall not be evicted by the respondent or his subordinates. The petitioner is given liberty to prefer an appeal before the concerned Revenue Divisional Officer immediately and obtain appropriate orders.

The writ petition is accordingly disposed of.

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V.V.S.RAO,J

Dated 28.8.2007

Note: Furnish CC by
31.8.2007

msv